

### **REMARKS**

The Office Action dated 18 March 2005 has been reviewed, and the comments of the Patent Office considered. Claims 2 has been cancelled without prejudice or disclaimer, and claim 1 has been amended to include the subject matter of claim 2 as originally filed. Thus, claim 1 is respectfully submitted for reconsideration by the Examiner.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,792,687 to Jeng et al. ("Jeng"). And claim 2 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jeng in view of U.S. Patent No. 6,696,365 to Kumar et al. ("Kumar"). These rejections are respectfully traversed insofar as Jeng and Kumar, whether considered individually or in combination, fail to teach or suggest each and every feature recited in Applicant's claim 1 as amended.

Applicant's amended claim 1 recites a method for fabricating a semiconductor device including "forming a multi-layered hard mask layer on the conductive layer, wherein the multi-layered hard mask layer includes a stacked structure of nitride film/oxide film/nitride film." In contrast, Jeng fails to teach or suggest a multi-layered hard mask layer, which is formed on a conductive layer, and wherein each layer of the multi-layered hard mask layer is formed of materials different from one another. Jeng states that gate dielectric layer 12, which is formed over the conductive layers 6 and 10, is preferably formed of silicon oxide or silicon nitride. Therefore, it is respectfully submitted that Jeng fails to teach or suggest forming a multi-layered hard mask layer on the conductive layer, as recited in Applicant's claim 1 as amended.

Moreover, it is respectfully submitted that Kumar fails to overcome the deficiencies of Jeng. Specifically, Kumar also fails to teach or suggest the multi-layered hard mask layer as recited in Applicant's claim 1 as amended. Applicant's multi-layer hard mask layer includes a stacked structure of a first nitride film 30-1, an oxide film 30-2 and a second nitride film 30-3 on the conductive layer. The second nitride film 30-3 serves as a barrier layer in a gate patterning process and a SAC etching process for

forming a landing plug contact hole. In contrast, Kumar's stacked hard mask layers include a patterned polysilicon hard mask layer 18, a oxide hard mask layer 16, and a silicon nitride layer 14 that are formed via multiple etch steps so as to form high-aspect ratio, deep trenches in silicon. Therefore, it is respectfully submitted that the multi-layer hard mask stack of the present invention differs from that of Kumar in both its structure and role.

Thus, for at least any of these reasons, it is respectfully submitted that Jeng and Kumar, whether considered individually or in combination, fail to teach or suggest each and every feature recited in Applicant's claim 1. Therefore, it is respectfully submitted that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn and the claim allowed.

**CONCLUSION**

In view of the above remarks, Applicant respectfully requests that all objections and rejections be withdrawn and that a notice of allowance be forthcoming. The Examiner is invited to contact the undersigned for any reason related to the advancement of this case.

The Commissioner is hereby authorized to charge any additional fees due under 37 C.F.R. § 1.17 or credit any overpayment to Deposit Account 08-1641.

Respectfully submitted,

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